

Court No. - 39

Case :- WRIT - C No. - 36063 of 2023

Petitioner :- Mitthoo Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Rajesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Syed Aftab Husain Rizvi, J.

1. Heard Shri Rajesh Kumar Singh, learned counsel for the petitioner and Shri Mukul Tripathi, learned Standing Counsel.

2. Present petition has been filed by the petitioner describing himself to be a senior citizen, with a following relief:

"Issue a writ order or direction in the nature of mandamus commanding and directing the District Magistrate, District - Jaunpur/respondent no.2 to take appropriate action on the application of the petitioner dated 17.05.2023 in light of U.P. Maintenance and Welfare of Parents and Senior Citizen Rules, 2014, within the stipulated period as fixed by this Hon'ble Court."

3. Learned Standing Counsel points out that there is no allegation of any interference being made in the enjoyment of the petitioner's right over his property. Petitioner is also not claiming any maintenance. Petitioner only raises objection to the public nuisance raised by third parties on public lane/road etc. That being the nature of rights claimed, the application made by the petitioner under Act no.56 of 2007 is wholly misconceived. Consequently, the writ petition seeking direction upon the respondent to deal with that objection is wholly misconceived.

4. Accordingly, the writ petition is **dismissed** leaving it open to the petitioner to pursue his remedies wherever they lie. No order as to costs.

Order Date :- 28.10.2023/Prakhar